IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 399 OF 2003

The State of Maharashtra ... Appellant

Versus

Anil Mahadeo Rakshe & Ors. ... Respondents

Mrs. M.M.Mhatre, APP, for the Appellant-State.
Mr. M.V.Shingote i/b. G.N.Salunkhe for Respondents 1 to 3.

CORAM: J.H.BHATIA,J.

DATE : 12th June, 2007.

P.C.

1. Heard Mrs. Mhatre, learned APP and Mr. Shingote, Counsel for the Respondents 1 to 3. Perused the record.

2. Respondents Nos. 1 to 3 were put to trial for the offences punishable under Sectiion 498A, 306, 304B read with Section 34 of I.P.C. and after trial they were acquitted. The State seeks leave to prefer an appeal against the same.

3. The prosecution case, in brief, is that deceased Vaishali was married to respondent No.1 in February 2001. On 1.11.2001, she committed suicide by hanging herself. On the next day, a report was lodged byher father, Ganpati against the respondents. It was alleged that accused persons used to ill-treat Vaishali because they could not satisfy the demand for cot, bed and two tolas of gold. To prove the charges, the prosecution examined P.W.1 - Ganpati and P.W.3 - Vimal parentrs of deceased Vaishali. They stated that Vaishali was ill-treated on account of demand of cot, bed and two tolas of gold. However, the learned trial Court noted that at the time of marriage, the whole expenses of marriage was borne bythe accused persons. They have not demanded anything nor her parents had given anything to them. The father of the cdeceased was holding 1/2 acre of land and financially appears to be poor. The evidence also reveals that after the marriage, Vaishali went with her husband to Bombayu and lived there for 4 - 5 months happily. They came to know that Vaishali was being ill-treated on account of demand of cot, bed and gold and they also deposed that on one occasioon she also told them but theydid not utter a word about the nature of ill-treatment or harassment. The allegationo was vague. The learned trial Court noted that there was no independent witness to support the allegation. The

deceased was educated and was at least in a position to read and write. she had not left any suicide note indicating the circumstances in which she was committing suicide.

4. After going through the record, I find that the evidence of P.W.1 - Ganpati and P.W.3 - Vimal does not disclose any specific instances of ill-treatment or harassment. A vague statement is made about ill-treatment. It appears that for about 5 - 6 months of the marriage, she was living happily. It also appears that the respondents had agreed for marriage of deceased Vaishali and accused No.1 knowing well that her parents were financially not in a position to pay or give any dowry nor there was any demand. In such circumstances, it is difficult to understand how after 6 - 7 months a similar demand was made. At least, there is nothing on record about the nature of harassment which led Vaishali to commit suicide. In these circumstances, I find that no purpose will be served by granting leave to prefer appeal against acquittal.

5. Leave to prefer appeal stands refused. The Appeal stands dismissed.

(J.H.BHATIA,J.)